

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

PHYO HEIN HTUT,

Defendant.

AFFIRMATION

21 Mag. 7760

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER : ss.:  
SOUTHERN DISTRICT OF NEW YORK )

NICHOLAS S. BRADLEY, under penalty of perjury, hereby affirms as follows:

1. I am an Assistant United States Attorney in the Southern District of New York. I submit this affirmation in support of an application for a second order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

PHYO HEIN HTUT, the defendant, was charged with violations of 18 U.S.C. § 371 in a complaint dated August 6, 2021. The defendant was presented before Magistrate Judge Andrew E. Krause on August 6, 2021, and the defendant was detained on consent.


Domenick Porco, Esq., attorney for the defendant, has since been engaging in preliminary discussions with the Government concerning a possible disposition of this case without trial, and those discussions are ongoing. The Government hereby requests that a continuance of 28 days be granted, during which time we may pursue further discussions.

2. On September 16, 2021, Mr. Porco, counsel for the defendant, agreed by telephone on behalf of the defendant that the requested continuance of 28 days is appropriate in these circumstances.

3. For the reasons stated above, the ends of justice served by the granting of the continuance requested outweigh the best interests of the public and defendant in a speedy trial.

4. Pursuant to Title 28, United States Code, Section 1746, I declare under penalties of perjury that the foregoing is true and correct.

Executed on September 27, 2021.

  
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NICHOLAS S. BRADLEY  
Assistant United States Attorney